

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

SEP 10 2020

Clerk, U S District Court
District Of Montana
Billings

L.R. BRETZ,

Plaintiff,

vs.

UNITED STATES OF AMERICA, *et*
al,

Defendants.

CV-19-73-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on August 8, 2020. (Doc. 23). The Magistrate recommended that the United States' Motion to Dismiss (Doc. 5) be granted with respect to Counts 4 and 8 of the Complaint; and denied as to Count 5 without prejudice as to the United States' right to raise the statute of limitations issue by motion for summary judgment. (Doc. 23 at 2).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 23) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that:

1. The United States’ Motion to Dismiss (Doc. 5) is GRANTED with respect to Counts 4 and 8 of the Complaint, with prejudice; and
2. DENIED as to Count 5 of the Complaint, without prejudice to the United States’ right to raise the statute of limitations issue by motion for summary judgment.

DATED this 10th day of September, 2020.


SUSAN P. WATTERS
United States District Judge